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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,968	10/27/1999	DAVID P. COOK	26796-2	4007

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HAYNES AND BOONE, LLP
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DALLAS, TX 75202

EXAMINER

WORJLOH, JALATEE

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 08/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/427,968

Applicant(s)

COOK, DAVID P.

Examiner

Jalatee Worjloh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-9, 11-15 and 19-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 6-9, 11-15 and 19-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is responsive to the amendment filed on June 17, 2002, in which Applicant canceled claims 1-5,10,16-18, amended claims 6-9,11-13, and added claims 19-36.

Response to Arguments

2. Applicant's arguments filed June 17, 2002 have been fully considered but they are not persuasive.

Applicant states "Logos are used in the claims to limit the claims in a functional since". However, Applicant fails to demonstrate how the logos are used to patentably distinguish the claimed system.

As per claim 13, Although Zampese discloses "...that this feature of the invention is different from assigning a single personal identification number (PIN) or password...", Applicant's specification indicates that a signature phrase is equivalent to an account code. That is, Applicant states that the account code is a unique number or phrase assigned to the account; hence a signature phrase. Therefore, Zampese does utilize an account code for authorization (see col. 4, lines 31-40, 62-67; col. 5, lines 3-25). In these sections, the purchaser seeks authorization from the account manager; the account manger receives "an account code, a transaction code and a request amount...", if the account code is valid, the transaction code is verified and if the transaction code is valid the transaction is authorized. In contrast, if the account is invalid the

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transaction is rejected. Further, this process is authorizing the transaction using a signature phrase, which is an account code.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The steps, which go to make up the method, must be clearly and positively specified. The steps must be organized and correlated in such a manner as to present a complete operative method. That is, it is unclear what is meant by "to transform the signature phrase at the customer".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6014650 to Zampese in view of U.S. Patent No. 5903878 to Talati et al.

As per claim 13, Zampese discloses confirming rights in the account by associating an account code with an account number associated with the account (see col. 3, lines 38-40, 64-67

and col. 4, lines 1-7). Although, Zampese does not explicitly disclose an account number, it is known in the art that an account is assigned an identification number. Note. The examiner interprets the account code as an account identifier. Further, Zampese discloses "establishing an account of a potential purchaser, assigning the purchaser an account code". This method is equivalent to "associating an account code with an account number". Zampese also discloses establishing a signature phrase for being used in a plurality of transactions, linking the signature phrase to the account number for use in the transactions (see col. 3, lines 38-48), and extending rights to the account, normally only associate with the account code, to the signature phrase such that the customer can authorize the transaction made on the account using the signature phrase (see col. 4, lines 62-67; col. 5, lines 3-4, 15-17). Zampese does not expressly disclose upon indication from the e-commerce merchant that a transaction has initiated, providing an authorization form to the customer, the authorization form being form an entity separate form the e-commerce merchant or receiving the signature phrase from the customer through a customer response to the authorization form. Talati et al. disclose upon indication from the e-commerce merchant that a transaction has initiated, providing an authorization form to the customer, the authorization form being form an entity separate form the e-commerce merchant and receiving the signature phrase from the customer through a customer response to the authorization form (see col. 10, lines 41-67; col. 11, lines 1-2). Note. The CA is the credit authority (see col. 5, line 56). Also, the examiner interprets the unique transaction identifier as a signature phrase. As for the authorization form, Talati et al. disclose the e-mail message including confirmation information; an e-mail message is an electronic document/form, hence this e-mail message is interpreted as an authorization form. At the time the invention was made, it would have been

obvious to a person of ordinary skill in the art to modify the method disclose by Zampese to include the following steps: upon indication from the e-commerce merchant that a transaction has initiated, providing an authorization form to the customer, the authorization form being form an entity separate from the e-commerce merchant and receiving the signature phrase from the customer through a customer response to the authorization form. One of ordinary skill in the art would have been motivated to do this because it secures the user's account.

Referring to claim 9, Talati et al. disclose the method, wherein the authorization form is provided to the customer through a network interface (see col. 8, lines 26-29).

Referring to claim 11, Talati et al. disclose the method, wherein the authorization form includes a customer-specific indicator previously provided by the customer to the entity, the customer-specific indicator being independent of the merchant (see col. 10, lines 64-67; col. 11, lines 1-2). Talati et al. disclose an authorization form including "...randomly generated questions on which only the client has knowledge...", this is therefore an authorization form with customer-specific indicator being independent of the merchants.

7. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zampese and Talati et al. as applied to claim 13 above, and further in view of U.S. Patent No. 5909492 to Payne et al.

Zampese discloses a method for authorizing at transaction between a customer and an e-commerce merchant (see col. 3, lines 64-67; col. 1, lines 1-2). Zampese does not expressly disclose creating a transaction certificate to memorialize a successful authorization, wherein the transaction certificate may be provided to the merchant to indicate successful authorization. Payne et al. disclose creating a transaction certificate to memorialize a successful authorization,

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wherein the transaction certificate may be provided to the merchant to indicate successful authorization (see col. 1, lines 37-48). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Zampese to include creating a transaction certificate to memorialize a successful authorization, wherein the transaction certificate may be provided to the merchant to indicate successful authorization. One of ordinary skill in the art would have been motivated to do t his because it informs the consumer and the merchant that the transaction was valid (see Payne, col. 1, lines 37-48).

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zampese and Talati et al. as applied to claim 13 above, and further in view of U.S. Patent No. 6029141 to Bezos et al.

Talati et al. disclose the authorization form (see col. 10, lines 41-67; col. 11, lines 1-2). Talati et al. do not expressly disclose the authorization form including a logo identifying the merchant. Bezos et al. disclose the authorization form includes a logo identifying the merchant (see col. 22, lines 52-55 and fig. 10c, col. 1 of form). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the authorization form disclose by Talati et al. to include a logo identifying the merchant. One of ordinary skill in the art would have been motivated to do this because it shows the user that he is purchasing from the listed merchant.

9. Claims 19, 21-25, 28-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Talati et al. in view of U.S. Patent No. 6327578 to Linehan.

Talati et al. disclose creating an authorization form at the authorization system, displaying the authorization form to the user, receiving an authentication phrase from the user

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(see col. 10, lines 13-15, 41-67; col. 11, lines 1-2), and verifying that the received authentication phrase corresponds to an authentication phrase in the account entry (see col. 7, lines 22-23).

Note. The CA is the credit authority (see col. 5, line 56). Also, the examiner interprets the unique transaction identifier as an authentication phrase. As for displaying the authorization form, Talati et al. disclose the e-mail message including confirmation information, an e-mail message is an electronic document/form; hence, this e-mail message is interpreted as an authorization form; further the user can select "display mail" using a GUI to view the form.

Talati et al. do not expressly disclose receiving, at an authorization system, merchant information and account information after a user has initiated a transaction from a merchant, verifying that the merchant information corresponds to the merchant and determining whether the account information corresponds to an account entry in an authorization database or transferring the user to the merchant. Linehan discloses receiving, at an authorization system, merchant information and account information after a user has initiated a transaction from a merchant, verifying that the merchant information corresponds to the merchant and determining whether the account information corresponds to an account entry in an authorization database (see col. 4, lines 19-30; col. 7, lines 39-49) and transferring the user to the merchant (see col. 5, lines 54-57). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclosed by Talati et al. to include the steps receiving, at an authorization system, merchant information and account information after a user has initiated a transaction from a merchant, verifying that the merchant information corresponds to the merchant and determining whether the account information corresponds to an account entry in an authorization

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database. One of ordinary skill in the art would have been motivated to do this because prevents unauthorized individuals from using the user's account.

Referring to claim 19, Talati et al. disclose the authentication phrase is a signature phrase (see col. 3, lines 12-19).

Referring to claim 23, Linehan discloses enabling the user to be transferred to the authorization system (see col. 15, lines 17-20).

Referring to claim 24, Talati et al. disclose forwarding an indication that the transaction is verified to the merchant (see col. 3, lines 49-54).

Referring to claim 25, Talati et al. disclose the method wherein the same authorization system is for verifying different transactions for different merchants (see col. 2, lines 51-55).

Referring to claim 28, Talati et al. disclose if signature authorization is to occur, preparing an authorization form at the central authorization facility, receiving signature authorization from the node through the authorization form, and authorizing the first transaction if the signature authorization corresponds to the first user information (see col. 10, lines 13-15, 41-67; col. 11, lines 1-2) and indicating the authorization to the first merchant (see col. 3, lines 49-54). Note. The CA is the credit authority (see col. 5, line 56). Talati et al. do not expressly disclose receiving at a central authorization facility, a first merchant information and a first user information from a first merchant for a first transaction or verifying from at least one of the first merchant information and the first user information whether signature authorization is to occur. Linehan discloses receiving at a central authorization facility, a first merchant information and a first user information from a merchant for a first transaction, and verifying from at least one of the first merchant information and the first user information whether signature authorization is to

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occur (see col. 4, lines 19-30; col. 7, lines 39-49). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Talati et al. to include the steps receiving at a central authorization facility, a first merchant information and a first user information from a merchant for a first transaction, and verifying from at least one of the first merchant information and the first user information whether signature authorization is to occur. One of ordinary skill in the art would have been motivated to do this because prevents unauthorized individuals from using the user's account.

Referring to claims 29 and 30, Linehan discloses receiving at the central authorization facility, merchant information and user information (see col. 4, lines 19-30; col. 7, lines 39-49). Linehan does not expressly disclose a second merchant, a second information, user information or a second transaction. However, Talati et al. disclose different transactions for different merchants and users (see col. 2, lines 51-55). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Linehan to include a second merchant information, a second user information and a second transaction and repeating the steps b-g for the second merchant. One of ordinary skill in the art would have been motivated to do this because it provides an interactive system.

Referring to claims 31 and 32, Linehan discloses providing software to the merchant (see col. 20, lines 22-28), wherein the software includes a Buy button (see col. 14, lines 23-27).

Referring to claim 33, Talati et al. disclose the signature authorization is in the form of a signature phrase (see col. 3, lines 12-19).

Referring to claims 34 and 35, Linehan discloses the first user information includes a credit card account number (see col. 4, lines 47-51), and the central authorization facility is

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associated with an issuer of a credit card for the credit card account number (see col. 4, lines 2-5).

Referring to claim 36, Talati et al. disclose the node indicated by the first account information is an electronic address for a user who initiated the transaction (see col. 10, lines 61-67).

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Talati et al. and Linehan as applied to claim 22 above, and further in view of U.S. Patent. No. 6233565 to Lewis et al.

Talati et al. disclose an authorization form including a signature phrase (see col. 10, lines 13-15; col. 11, lines 1-2). Talati et al. do not expressly disclose the signature phrase is transformed by the authorization form. Lewis et al. disclose hashing a password; hence, transforming a signature form (see col. 22, lines 63-67; col. 23, lines 1-5; col. 29, lines 49-54). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the form disclose by Talati et al. to transform a signature phrase. One of ordinary skill in the art would have been motivated to do this because doing so secures the user's signature phrase from unauthorized recipients.

11. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Talati et al. and Linehan as applied to claim 22 above, and further in view of Bezos et al.

Bezos et al. disclose the authorization form includes a logo identifying the merchant (see col. 22, lines 52-55 and fig. 10c, col. 1 of form). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the logo disclosed by Bezos et al. to identify the authorization system. One of ordinary skill in the art would have been

motivated to do this because it shows the user that his transaction is being authorized by the company logo displayed.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is 703-305-0057. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

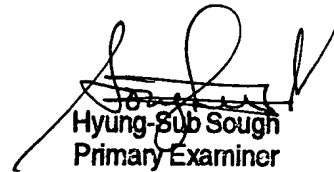
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to: **Commissioner of Patents and Trademarks, Washington, DC 20231.**

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, V.A., Seventh floor receptionist.

August 1, 2002


Hyung-Sub Sough
Primary Examiner